

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

LOIS MUNCHEL

Plaintiff,

V.

WYETH LLC, f/k/a AMERICAN HOME
PRODUCTS CORPORATION

WYETH PHARMACEUTICALS, INC.

PFIZER, INC.

Defendants

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Civil Action No. 1.12-906

**MEMORADUM IN SUPPORT OF MOTION TO EXPEDITE BRIEFING
AND RULING ON MOTION TO REMAND**

Plaintiff sued Wyeth LLC, Wyeth Pharmaceuticals, Inc., and Pfizer, Inc. (hereinafter referred to collectively as “Wyeth” or “Wyeth Defendants”) in Delaware state court on July 10, 2012. All of the defendants in this case are Delaware citizens.¹ Wyeth LLC fraudulently removed the case to this Court asserting diversity jurisdiction before Plaintiff could serve any defendant. This Court has previously rejected Wyeth’s position that pre-service removals confer subject matter jurisdiction. *See Laugelle v. Bell Helicopter Textron, Inc. et al.*, 2012 WL 368220 (D.Del.),

For the reasons fully set forth in Plaintiffs’ motion to remand this Court lacks subject matter jurisdiction over this action and, consequently, it should be remanded. Defendant’s position is contrary to the law of this Circuit and this Court; therefore, its removal of this action seems to be a flagrant attempt to have these Plaintiff’s claims subsumed in federal multidistrict litigation, despite the fact that diversity jurisdiction does not exist.

¹ Def.’s Not. Of Rem at ¶ 7(d)-(f).

Plaintiffs respectfully ask the Court to expedite any briefing and ruling on the motion to remand.

Respectfully submitted,

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Dated: July 27, 2012

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